

U.S. DISTRICT COURT  
AO 243 (Rev. 9/19) OF LOUISIANA  
RECEIVED - MONROE

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
AUG 06 2021 SENTENCE BY A PERSON IN FEDERAL CUSTODY

TONY T. MOORE, CLERK <b>United States District Court</b>		District <b>Western District of Louisiana</b>
Name (under which you were convicted): <b>Christopher Joe Stamper</b>		Docket or Case No.: <b>3:19-CR-00033-01</b>
Place of Confinement: <b>Federal Correctional Institution LaTuna</b>		Prisoner No.: <b>20895-035</b>
UNITED STATES OF AMERICA		Movant (include name under which convicted) <b>Christopher Joe Stamper</b>
v.		

### MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

**United States District Court Western District of Louisiana  
Monroe Division**

(b) Criminal docket or case number (if you know): **3:19-CR-00033-01**

2. (a) Date of the judgment of conviction (if you know): \_\_\_\_\_

(b) Date of sentencing: **June 3, 2020**

3. Length of sentence: **240 months Incarcerated, 10 years Supervision**

4. Nature of crime (all counts):

**Count 1 Receipt of Child Pornography 18 U.S.C. § 2252A(a)(2)(A)  
2 Possession of Child Pornography 18 U.S.C. § 2252A(a)(5)(B)  
3 Possession of Child Pornography 18 U.S.C. § 2252A(a)(5)(B)  
4 Coercion and Enticement 18 U.S.C. § 2422 (b)**

5. (a) What was your plea? (Check one)

(1) Not guilty  (2) Guilty  (3) Nolo contendere (no contest)

6. (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

**I Plead guilty to Count 1 Receipt of Child Pornography 18 U.S.C. § 2252A(a)(2)(A)**

**Counts 2, 3, 4 all dropped**

6. If you went to trial, what kind of trial did you have? (Check one) Jury  Judge only

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes  No

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8. Did you appeal from the judgment of conviction? Yes  No 

9. If you did appeal, answer the following:

- (a) Name of court: United States Court of Appeals for the 5th Circuit
- (b) Docket or case number (if you know): 20-30360
- (c) Result: Dismissed due to lack of jurisdiction and not ripe for review
- (d) Date of result (if you know): \_\_\_\_\_
- (e) Citation to the case (if you know): \_\_\_\_\_
- (f) Grounds raised: Plain error Supervised release condition prohibiting  
Stamper from voluntarily participating in activities requiring unsupervised  
contact with children under the age of 18 without the permission of his  
probation officer that it extends to his own children.

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes  No 

If "Yes," answer the following:

- (1) Docket or case number (if you know): \_\_\_\_\_
- (2) Result: \_\_\_\_\_
- (3) Date of result (if you know): \_\_\_\_\_
- (4) Citation to the case (if you know): \_\_\_\_\_
- (5) Grounds raised: \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes  No 

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: The Apparden Attorneys
- (2) Docket or case number (if you know): JHR
- (3) Date of filing (if you know): June 12 2021

- (4) Nature of the proceeding: Active no response
- (5) Grounds raised: Proof of Innocence and reasons I should be released early.

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- (6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes  No

- (7) Result: still no answer

- (8) Date of result (if you know): NIA

- (b) If you filed any second motion, petition, or application, give the same information:

- (1) Name of court: \_\_\_\_\_
- (2) Docket of case number (if you know): \_\_\_\_\_
- (3) Date of filing (if you know): \_\_\_\_\_
- (4) Nature of the proceeding: \_\_\_\_\_
- (5) Grounds raised: \_\_\_\_\_

- 
- (6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes  No

- (7) Result: \_\_\_\_\_

- (8) Date of result (if you know): \_\_\_\_\_

- (c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes  No

(2) Second petition: Yes  No

- (d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

I was a petition that's what I filled with my Commutation of sentence  
I also sent proof of Innocence.

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Sentence under the wrong guidelines breaking Plea agreement

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I was supost to be sentenced under U.S.S.G § 2G2.2 and impose of 60 Months when I signed the Plea and it was agreed to the Code of my charge, until after the Plea was agreed to. Probation made across reference to USSG 2G2.1 which was not a part of the Plea agreement that I signed so therefore sentencing me to the max of the Plea agreement I was sentenced under U.S.S.G 2G2.1 that brakes the Plea agreement.

(b) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

- (2) If you did not raise this issue in your direct appeal, explain why: My Court Appointed Attorney said it would be best to bring up all issues in a 2255 so it can properly be handled due to they don't get all records for the direct appeal.

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: Motion for Variance

Name and location of the court where the motion or petition was filed:

United States District Court Western District of Louisiana Monroe Division

Docket or case number (if you know): Docket No 86

Date of the court's decision: Jun 3 2020

Result (attach a copy of the court's opinion or order, if available):

It was denied

- (3) Did you receive a hearing on your motion, petition, or application?

Yes  No

(4) Did you appeal from the denial of your motion, petition, or application?

Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): my appeal Attorney said its best brought up in the 2255.

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: my Appeal Attorney said its best brought up in the 2255

## **GROUND TWO: Concealing Exculpatory Evidence**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

There was a verbal confession given by a witness back in February of 2019 my lawyer hired an investigator to take the verbal confession. The investigator and my lawyer made it sound like my witness was talking about an adult. They didn't let the confession play all the way. They asked do you have a defense I told them I don't know what's going on I haven't seen a discovery. I still haven't seen a full discovery then they threatened to have my wife arrested and my kids put in states custody if I go to trial so I was forced into the plea. I told my attorney to file to give back the plea on the grounds of new evidence and he did what he wanted so I filed motions pretrial with two written confessions and 4 witness statements. my judge denied it saying even if true I should have known and been aware MY Wifes family did it there's proof in the Sheriffs office they have sent a nude picture of my minor sister in laws boob

(b) Direct Appeal of Ground Two: then called the Sheriffs office on us but we reported them

(1) If you appealed from the judgment of conviction, did you raise this issue? its in a police report.

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: I brought it up to my Court appointed attorney he said its better used and brought up in a 2255

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: I did in several pre motions that I filed

Name and location of the court where the motion or petition was filed:

United States District Court Western District of Louisiana Monroe Division

Docket or case number (if you know):

Date of the court's decision: All denied

Result (attach a copy of the court's opinion or order, if available): I don't have any copies I don't have a discovery.

- (3) Did you receive a hearing on your motion, petition, or application?

Yes  No

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes  No

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No

- (6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this

issue: I sent a letter disagreeing with all denials of all my pre motions including we did object to the denial of my downward variance motion. My appeal Attorney told me its better used in my 2255 so it has merit.

**GROUND THREE: Discipline of officials**

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Law enforcement was militarized and didn't announce they were law enforcement & Officer stamped me against the wall with my newborn in my arms I droped my head and shoulder to keep my newborn safe an un injured he could have killed my son. Then they knew my car brakes were out and my wife doesn't have a licence they forced her to brake the law and drive endangering my wife and kids on I 20. Theres medical proof I couldn't have Comited the Crime due to Medical Issues along with Medications. The Judge even showed in open court he never knew me or that I have kids or even the sentence he was handing down or stipulations, I plead to 18 U.S.C § 2252 A(a)(2)(A) BOP Shows I'm in here for 18 U.S.C § 2252 A(a)(2)(A)

(b) Direct Appeal of Ground Three:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

- (2) If you did not raise this issue in your direct appeal, explain why: *my Appellate attorney said to use it in my 2255 that he doesn't have my entire case*

*Two different charges completely, also not giving me due process of law I never seen a 3 count.*

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: *Motion for Discovery and Inspection.*

Name and location of the court where the motion or petition was filed:

*United States District Court Western District of Louisiana Monroe Division*

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): *Denied*

- (3) Did you receive a hearing on your motion, petition, or application?

Yes  No

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes  No

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

*Part of it was in my Appeal but it was better to file it though a 2255 So I could properly come to the Court defending myself. Plus I can't file pro se motions because of hybrid representation.*

#### **GROUND FOUR: Witness Tampering**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

*Sheriffs office, State Police, FBI forced my wife to break the law by threatening her the same way they threatened me. They Showed her text messages and said I Cheated on her to get her to turn on me and say I committed the crime that her family Comited that I got 20 Years for. She didn't <sup>give</sup> believe in to these lies not one time. Its not tactics by making her break the law by obstruction of justice or by making her break the law law enforcement is not above the law they are suppose to uphold the law and they break the law. By making her do it illegally and*

(b) Direct Appeal of Ground Four: *trying to make her Obstruction of Justice.*

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: *My appeal Attorney said it would be best to bring it up in the 2255*

#### **(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes  No 

(4) Did you appeal from the denial of your motion, petition, or application?

Yes  No 

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No 

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this

issue: *My Appeal Attorney said to file everything though or 2255 prose.*

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: *Witness Tampering, Discipline ~~some~~ officials some was not all of it. Concealing Exculpatory Evidence. I did present a lot of issues and still continue to not get my discovery or anything in which I can't properly defend myself. I haven't properly received due process of law and sentenced under the guidelines I did not pre-agility too.*

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14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes  No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. *I did a commutation of sentence with the Apparden Attorneys due to my prof of Innocence I had but no response.*

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15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

- (a) At the preliminary hearing:

*Didnt have it*

- (b) At the arraignment and plea:

*Walter M Caldwell IV 4007 white's Ferry Road Suit B Louisiana 71291*

- (c) At the trial:

*Walter M Caldwell IV 4007 White's Ferry Road Suit B Louisiana 71291*

- (d) At sentencing:

*Walter M Caldwell IV 4007 White's Ferry Road Suit B Louisiana 71291*

- (e) On appeal:

*Betty L. Marak 300 Fannin Street, Ste 2199 Shreveport, Louisiana 71101*

- (f) In any post-conviction proceeding:

*N/A*

- (g) On appeal from any ruling against you in a post-conviction proceeding:

*N/A*

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16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes  No

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes  No

- (a) If so, give name and location of court that imposed the other sentence you will serve in the future:

- (b) Give the date the other sentence was imposed:

- (c) Give the length of the other sentence:

- (d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes  No

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

I'm requesting the Timeliness of Motion for 28 U.S.C. § 2255 due to never receiving my discovery so I can properly prepare for the 2255 and other petitions. I can't fight my case still only knowing the basics but it is violation of my rights for Due Process of Law. You can see in all my pre Se motions from the very beginning I never saw what the Government claims to have against me.

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief: I'm only requesting relief to be resentenced to the 60 months that I should have been given. That's all; I'm requesting  
or any other relief to which movant may be entitled.

Your honor

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 08/31/2021.  
(month, date, year)

Executed (signed) on \_\_\_\_\_ (date)

  
\_\_\_\_\_  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.